described, and owned by the United States, as aforesaid, as a permanent preserve and breeding ground for native birds, to be known as the Lake Malheur Reservation. A copy of said proclamation with diagram attached, showing generally the lands embraced within the reservation, is marked Exhibit "B," and annexed hereto.

By treaty and Acts of the Congress, the United States, by and through its Secretary of Agriculture, undertook the conservation of migratory and native birds on property of the United States or upon any reserve established under any law or Executive Order, and authorized the Secretary of Agriculture to permit or prohibit the use of such lands under rules and regulation to be prescribed by him.

That the Lake Malheur Reservation is now, and at all times has been, administered by the Secretary of Agriculture, through the Bureau of Biological Survey, as one of the most important bird reserves in the United States.

The boundaries of the reservation have not been changed by any subsequent proclamation or Act of the Congress and remain the same to-day as when established as aforesaid; and since that time none of the lands within its boundaries have been, or are now, a part of the public domain of the United States subject to disposal under existing Acts of the Congress, but have at all times been, and are now, used and occupied for the purposes specified in the aforesaid proclamation.

VII

Harney Valley, Harney County, Oregon, within which the lake-bed lands hereinbefore described are situated, embraces approximately 700 square miles of plain and lake-surface land. It is the largest single expanse of practically level land in Oregon. Irregular in outline, its diameter in any direction is approximately 50 to 60 miles. This broad, level, expanse of valley land is traversed by roads connecting localities where water can be obtained, and the level-floored valley can be crossed by wagon in substantially all directions. The surface of the soft material forming the valley floor is alluvial, brought by small, flashy, mountain streams, and deposited in broad low-grade alluvium fans. Over this stream-shaped surface the winds have deposited some material in the form of sand and dust, but this covering is thin and in most localities is inconspicuous. The lake-bed lands involved lie in an arid, substantially barren and desolate country. The natural resources of this region from time immemorial have made it a grazing country. The population is very small and exceedingly scattered. The principal settlements in Harney Valley are Burns, Harney, Lawen, and Narrows, and ever since their establishment they have been, and now are, connected with each other by good roads.

The drainage basin of Malheur and Harney Lakes is approximately 5,340 square miles. Prior to about 1877 Malheur and Harney Lakes were

separated by a sand reef about four miles to the Northwest of what is known as the Narrows, but subsequent thereto, during the period of high water, this barrier was broken through and at divers times Malheur Lake became united with the lower water surface of Harney Lake by a strait, approximately 50 to 75 yards wide, and hereinbefore described as Mud Lake and the Narrows.

The principal source of inflow of Malheur Lake, from time immemorial, has been, and now is, from the Silvies River on the North and the Donner und Blitzen River on the South, both of which are small, flashy, typical mountain streams. The only source of inflow to Harney Lake at all times has been, and now is, either from Malheur Lake through the aforesaid Narrows, or from a very small, inconsistent, typical mountain stream, called Silver Creek, flowing therein from the North.

Harney and Malheur Lakes always have been, and now are, shallow lakes, the waters thereof being extremely variable in area and depth, and plaintiff is informed and verily believes, and so alleges the fact to be, that for many years prior to the commencement of this suit Harney Lake has been substantially dry, and the recession of the water in Malheur Lake during most of each year is nearly complete; that the average annual evaporation of Harney and Malheur Lakes is approximately 40 inches.

That from time immemorial there has been no vegetation within many miles of these lakes, except

large areas of greasewood and sagebrush and a sparse growth of native grasses which is used for range grazing of stock for about seven to eight months of each year. The region has not produced and does not produce commodities which would or could be transported by water; nor is it susceptible of sustaining a population to be served by water transportation.

VIII

Malheur, Harney, and Mud Lakes throughout their entire areas, as plaintiff is informed and verily believes, and so alleges the fact to be, are not now, and never have been, navigable in fact, or what are known as navigable waters within the meaning of the laws of the United States, and neither trade nor travel can move over said lakes in their natural and ordinary conditions, according to the customary modes of trade and travel over water; nor have they been used, nor are they susceptible of being used, in their natural and ordinary conditions as permanent highways or channels for useful commerce.

IX

The defendant, The State of Oregon, claims some estate, right, title, or interest, adverse to the United States in and to the lake-bed lands hereinbefore described. The defendant State publicly asserts that the said Malheur, Harney, and Mud Lakes always have been and now are navigable and that

title to the beds thereof vested in it when and because it was admitted into the Union, February 14, 1859, and that such title remains so vested. The claim and assertion of interest made by said defendant State, as aforesaid, is a cloud upon the title of the plaintiff herein to the lake-bed lands involved in this suit.

X

The defendant State, as plaintiff verily believes, has no proprietary title or interest in or to the lake-bed lands as aforesaid, or any part thereof.

XI

The plaintiff has no plain, speedy, or adequate remedy at law, and unless its title is quieted by this Court to the said lake-bed lands hereinbefore described and located as aforesaid, and unless the defendant, The State of Oregon, is prevented from asserting any adverse right, title, or interest therein and from interfering with the possession, use or enjoyment thereof, great and irreparable damage and injury will result to the plaintiff, and the United States can not proceed with the proper development and administration of the said Lake Malheur Reservation.

WHEREFORE, the plaintiff, The United States of America, prays:

(*a*) That the defendant, The State of Oregon, be required to answer this Bill of Complaint and therein to specifically set forth the nature and extent of any estate, right, title, or interest claimed

by said defendant, The State of Oregon, in and to the said lake-bed lands hereinbefore described, or any part thereof.

(*b*) That any and every claim of estate, right, title, or interest in or to said lake-bed lands, hereinbefore described, or any part thereof, or in or to the possession, use, or enjoyment of said lake-bed lands, now or heretofore made or asserted by the said defendant, The State of Oregon, be adjudged and decreed null and void, and that the title thereto of the said plaintiff, The United States of America, be quieted as against any and all claims of the defendant, The State of Oregon.

(*c*) That the defendant, The State of Oregon, be forever enjoined from asserting any estate, right, title, or interest in or to the said lake-bed lands hereinbefore described, or any part thereof adverse to the plaintiff, The United States of America, and from in any manner disturbing or interfering with the possession, use, and enjoyment thereof, by the plaintiff, The United States of America.

(*d*) That the plaintiff, The United States of America, have such other and further relief as it may be entitled to have in equity and good conscience.

WILLIAM D. MITCHELL,
Attorney General.
THOMAS D. THACHER,
Solicitor General.

NOVEMBER, 1930.

U. S. GOVERNMENT PRINTING OFFICE: 1930

125 124 123 122

LEGEND

- State Capital (Salem)
- County Seats
- Cities, Towns
- U.S. Surveyor Generals Office (Portland)
- U.S. Land Offices
- Light Houses
- County Boundaries
- Land District Boundaries
- National Parks
- National Monuments and Bird Reserves
- Indian Reservations
- National Forests
- Military Reservations
- U.S. Reclamation Projects

Townships not subdivided

46

PACIFIC

WAHKIAKUM

CLATSOP

COLUMBIA

CLARKE

WASHINGTON

TILLAMOOK

YAMHILL

CLACKAMAS

MULTNOMAH

10 9 8 7 6 5 4 3 2 1

E A N

Longitude West 121 from Greenwich

122

120

DEPARTMENT OF THE INTERIOR
ALBERT B. FALL, SECRETARY
GENERAL LAND OFFICE
WILLIAM SPRY, COMMISSIONER

STATE OF OREGON

Compiled chiefly from the Official Records of the General Land Office
with supplemental data from other map making agencies
under the direction of
I. P. BERTHRONG
Chief of Drafting Division, G.L.O.

1922

Scale: 1 Inch = 12 Statute Miles

10 5 0 10 20 30 40 50

WASH

PASCO

BENTON

KLICKITAT

COLUMBIA NAT. FOR.

GOLDENDALE

CLARKE

SKAMANIA

KLICKITAT

YAKIMA

TILLAMOOK

CLACKAMAS

WASCO

SHERMAN

GILLIAM

MORROW

UMATILLA

UMATILLA PROJECT

Irrigon

Hermiston

Stanfield

Echo

Umatilla

Nolin

Irrig.

Castle Rock

Willows

Arlington

Blalock

Condon

Lexington

Cecil

Morgan

Gooseberry

Grass Valley

Moro

Wasco

Klondike

McDonald

Rockyreek

Moxee

Buffalo

Rufus

Biggs

Thornberry

Big Eddy

The Dalles

Mosier

Ortley

Odell

Hood River

Parkdale

Dee

Tygh Valley

Maupin

Shaniko

Antelope

Madras

Metolius

Culver

Terrebonne

Redmond

Powell Butte

Prineville

Bend

Tumalo

Sisters

Sisters

Camp Sherman

Black Butte

Suttle Lake

Metolius

Lewis

Clackamas

Marquam

Gold Hill

Eagle Creek

Estacada

Molalla

Canby

Aurora

Hubbard

Woodburn

Gervais

Jefferson

Scio

Lyons

Mehama

Stayton

Sublimity

Turner

Marion

Salem

Silverton

Mt. Angel

Scotts Mills

Liberal

Monitor

Macleay

Gates

Mill City

Detroit

Idanha

Elkhorn

Sublimity

Albany

Tangent

Shedd

Halsey

Harrisburg

Brownsville

Crabtree

Lebanon

Sodaville

Waterloo

Scravel Hill

Sweet Home

Foster

Crawfordsville

Cottage Grove

Creswell

Drain

Yoncalla

Elkton

Oakland

Reedsport

Scottsburg

Winchester

Roseburg

Myrtle Creek

Riddle

Glendale

Grants Pass

Kerby

Takilma

Wolf Creek

Leland

Agness

Illahe

Gold Beach

Port Orford

Langlois

Bandon

Coquille

Myrtle Point

Powers

Coos Bay

North Bend

Marshfield

Empire

Florence

Mapleton

Siuslaw

Triangulation Mt.

Marys Peak

Mt. Hebo

Mt. Neahkahnie

Nehalem

Wheeler

Manzanita

Rockaway

Tillamook

Bay City

Garibaldi

Nestucca

Neskowin

Pacific City

Cloverdale

Hebo

Grand Ronde

Willamina

Sheridan

Dayton

Yamhill

Carlton

McMinnville

Newberg

Dundee

Lafayette

Dayton

Amity

Sheridan

Willamina

Grand Ronde

Hebo

Cloverdale

Pacific City

Neskowin

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Bay City

Garibaldi

Lewis

Clackamas

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Aurora

Hubbard

Woodburn

Gervais

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Scotts Mills

Liberal

Monitor

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Mill City

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Lebanon

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Sweet Home

Foster

Crawfordsville

Cottage Grove

Creswell

Drain

Yoncalla

Elkton

Oakland

Reedsport

Scottsburg

Winchester

Roseburg

Myrtle Creek

Riddle

Glendale

Grants Pass

Kerby

Takilma

Wolf Creek

Leland

Agness

Illahe

Gold Beach

Port Orford

Langlois

Bandon

Coquille

Myrtle Point

Powers

Coos Bay

North Bend

Marshfield

Empire

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Triangulation Mt.

Marys Peak

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Bay City

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Neskowin

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Amity

Sheridan

Willamina

Grand Ronde

Hebo

Cloverdale

Pacific City

Neskowin

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Mapleton

Triangulation Mt.

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Nehalem

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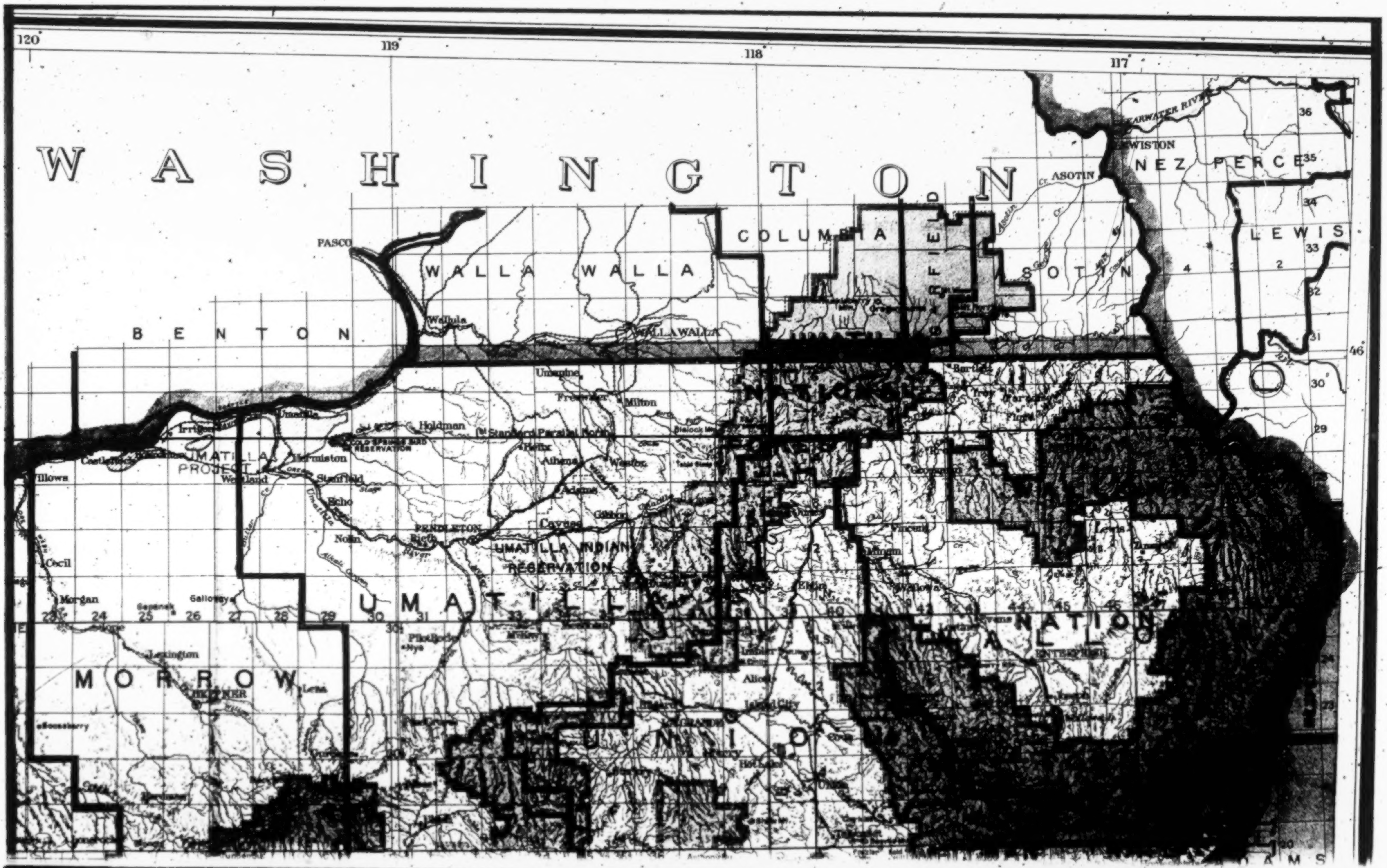
Tillamook

Bay City

Garibaldi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WASHINGTON
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PASCO
Wallula
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Umapine
Freewater
Milton
Holdman
Irrigon
Umatilla
UMATILLA PROJECT
Castle Rock
Hermiston
Stanfield
Echo
Willows
Cecil
Morgan
Galloway
Nolin
PENDLETON
Athena
Weston
Helix
Adams
Cayuse
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UMATILLA
MORROW
Lexington
HEPPNER
Lena
Pilot Rock
Elgin
Alicel
Imbler
Island City
UNION
Wallowa
Lostine
ENTERPRISE
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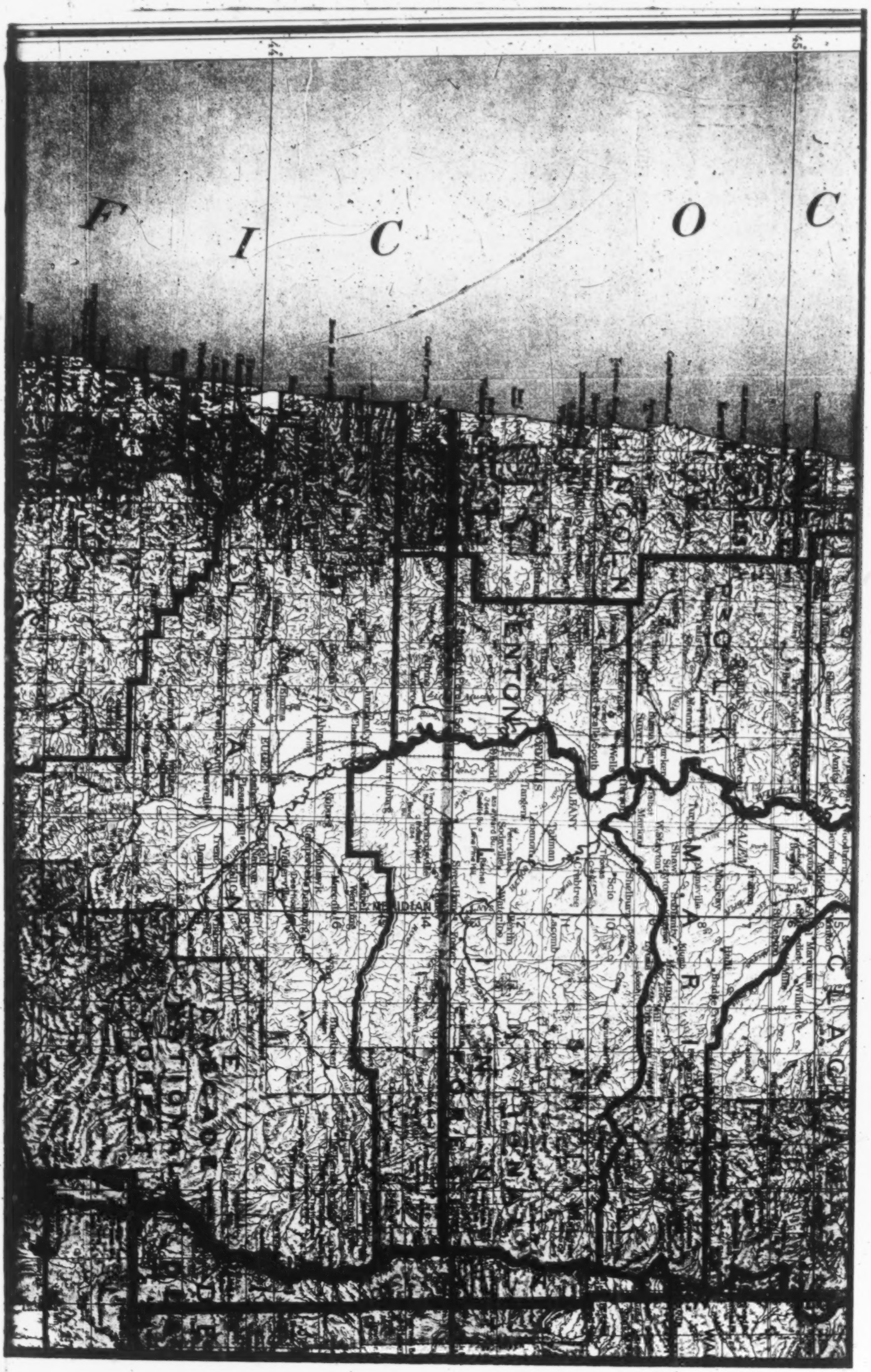
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TILLAMOOK
WILLAMETTE MERIDIAN
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Corvallis
Lebanon
Sweet Home
Scio
Jefferson
Salem
Dallas
Monmouth
Independence
Newport
Waldport
Toledo
Siletz
Yaquina
Alsea
Tidewater
Blodgett
Philomath
Peoria
Harrisburg
Halsey
Brownsville
Shedd
Tangent
Lyons
Mill City
Gates
Detroit
Idanha
Turner
Aumsville
Stayton
Sublimity
Mehama
Scotts Mills
Silverton
Gervais
Woodburn
Hubbard
Aurora
Donald
Newberg
Dundee
McMinnville
Amity
Sheridan
Willamina
Grand Ronde
Dayton
Lafayette
Carlton
Yamhill
Gaston
Forest Grove
Cornelius
Hillsboro
Banks
Manning
Timber
Vernonia
Mist
Clatskanie
Rainier
Scappoose
St. Helens
Columbia City
Deer Island
Warren
Scappoose
Vernonia
Nehalem
Manzanita
Rockaway
Wheeler
Garibaldi
Bay City
Tillamook
Pacific City
Cloverdale
Neskowin
Hebo
Beaver
Blaine
Cape Lookout
Cape Meares
Oceanside
Netarts
Tillamook Bay
Nestucca Bay
Siletz Bay
Yaquina Bay
Yaquina Head
Alsea Bay
Waldport
Yachats
Cape Perpetua
Heceta Head
Florence
Reedsport
Winchester Bay
Umpqua River
Coos Bay
North Bend
Coos River
Coquille River
Bandon
Port Orford
Cape Blanco
Gold Beach
Rogue River
Illinois River
Chetco River
Brookings
Harbor
Crescent City
Del Norte
Smith River
Klamath River
Trinidad
Arcata
Eureka
Humboldt Bay
Mad River
Eel River
Fortuna
Ferndale
Petrolia
Cape Mendocino
Shelter Cove
Garberville
Redway
Miranda
Weott
Scotia
Rio Dell
Loleta
Fields Landing
Table Bluff
Samoa
Manila
Trinidad Head
Big Lagoon
Orick
Prairie Creek
Redwood Creek
Klamath
Requa
Hiouchi
Smith River
Fort Dick
Crescent City
Point St. George
Pelican Bay
Lake Earl
Lake Tolowa
Lake Talawa
Lake Ewauna
Klamath Falls
Keno
Merrill
Malin
Tulelake
Lower Klamath Lake
Upper Klamath Lake
Agency Lake
Crater Lake
Diamond Lake
Odell Lake
Davis Lake
Crescent Lake
Wickiup Reservoir
Paulina Lake
East Lake
Newberry Crater
Fall River Mills
Burney
Hat Creek
Lassen Peak
Mount Shasta
Mount McLoughlin
Mount Thielsen
Mount Bailey
Mount Scott
Mount Pitt
Mount Ashland
Mount Hebo
Mount Hood
Mount Jefferson
Mount Washington
Three Fingered Jack
Mount Bachelor
Mount Thielsen
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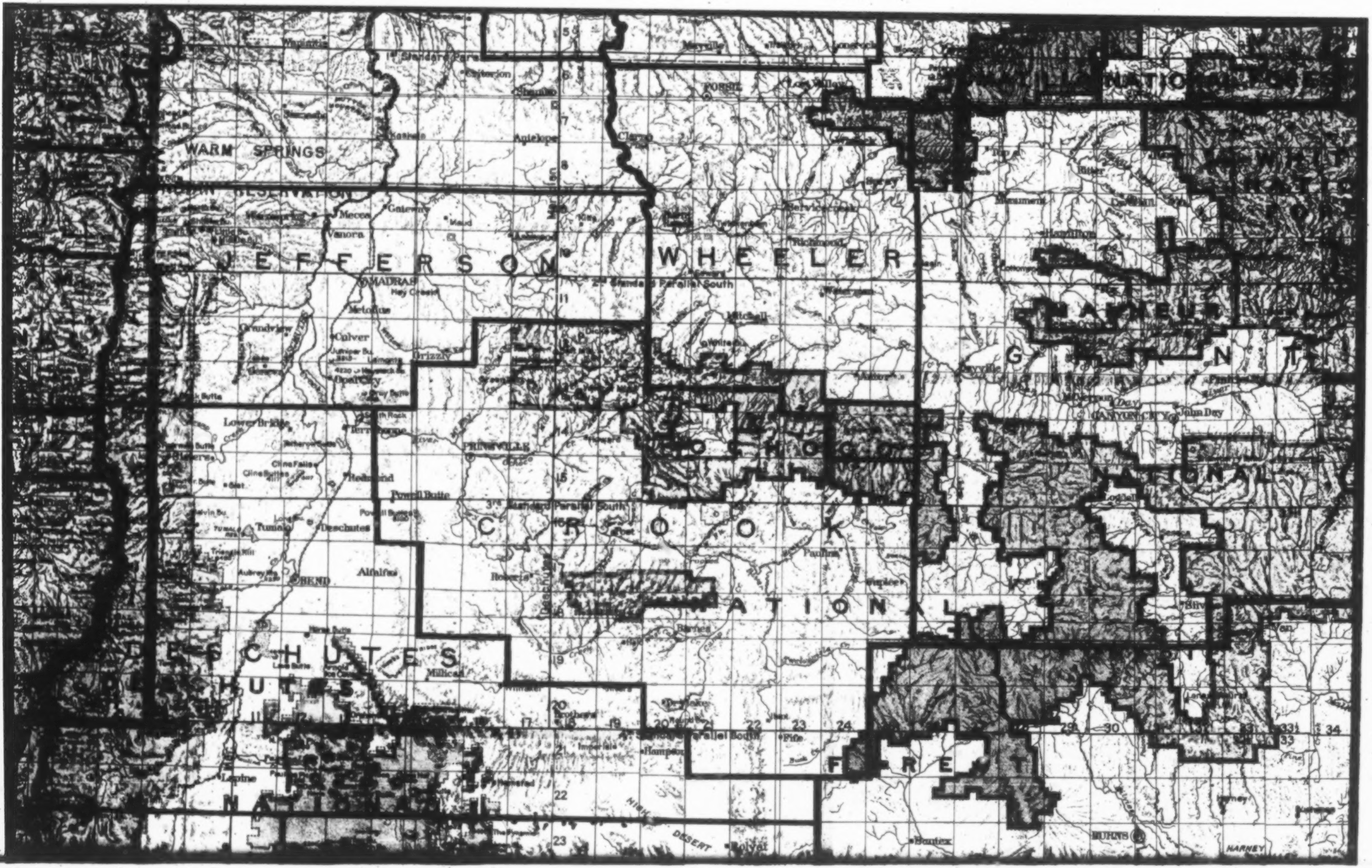
Mount Bachelor



WARM SPRINGS
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CROOK
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GRANT
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OCHOCO
FOREST
MADRAS
Hay Creek
Metolius
Culver
Grandview
Opal City
Grizzly
Gateway
Mecca
Vanora
Antelope
Clarno
FOSSIL
Mitchell
2nd Standard Parallel South
3rd Standard Parallel South
PRINEVILLE
Powell Butte
Redmond
Deschutes
Tumalo
BEND
Alfalfa
Lower Bridge
Millican
Brothers
Imperial
Hampton
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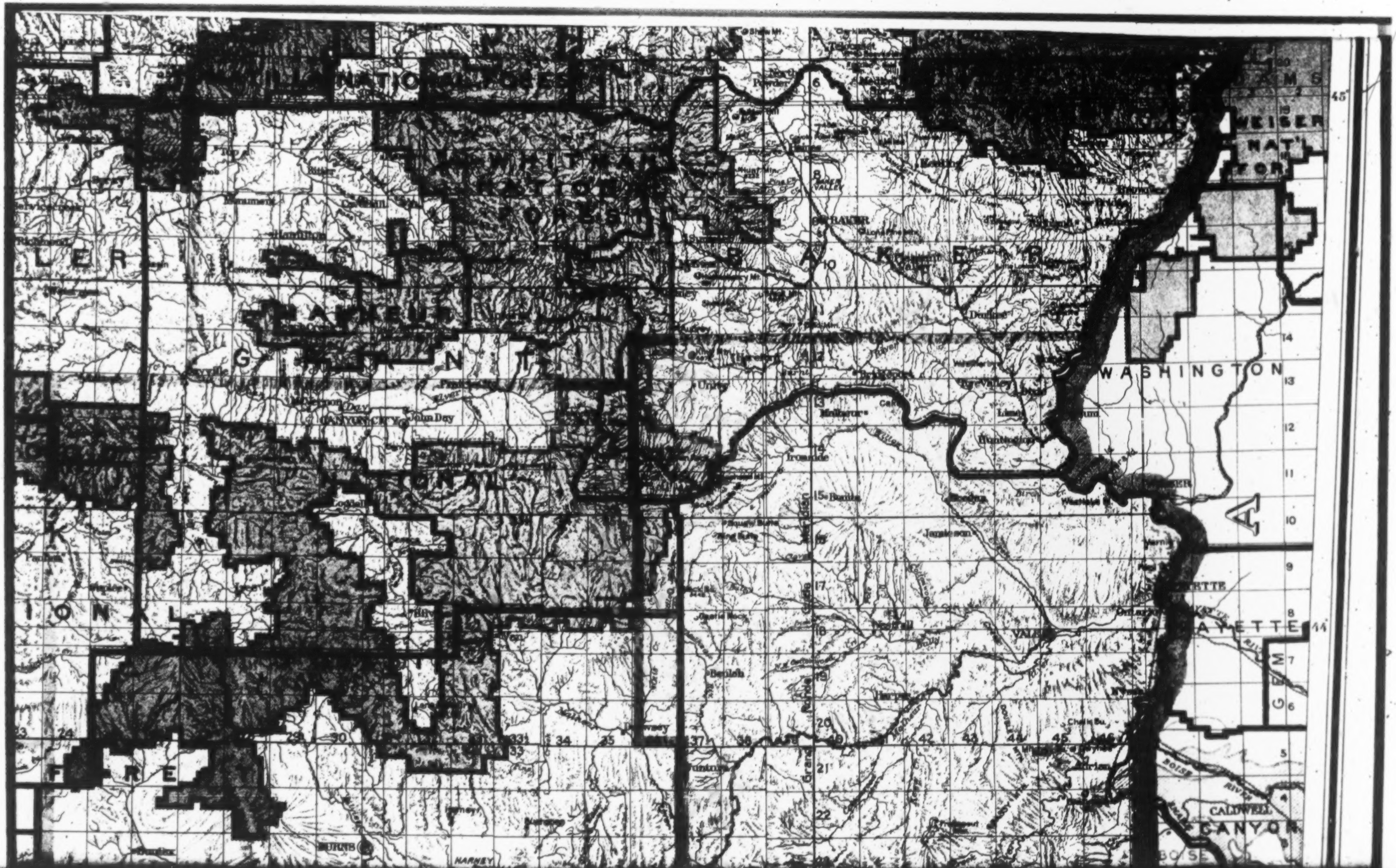
Dayville
Monument
Hamilton
Richmond
Lapine
HIGH DESERT
Rolyat
HARNEY



WHITMAN
NATIONAL
FOREST
NATIONAL FOREST
BAKER
GRANT
WEISER
NAT'L
FOR
WASHINGTON
ADAMS
PAYETTE
GEM
CANYON
CALDWELL
BOISE
BOISE RIVER
CANYON CITY
John Day
Ironside
Huntington
Vale
Beulah
BURNS
HARNEY
45°

CHEROKEE
CLAY
GRAHAM
MACON
SWAIN
JACKSON
HAYWOOD
TRANSYLVANIA
HENDERSON
POLK
RUTHERFORD
MCDOWELL
BURKE
CALDWELL
WATAUGA
AVERY
MITCHELL
YANCEY
MADISON
BUNCOMBE
LINCOLN
GASTON
CLEVELAND
RUTHERFORDTON
SPARTANBURG
GREENVILLE
PICKENS
ANDERSON
OCONEE
GREENWOOD
ABBEVILLE
LAURENS
NEWBERRY
SALUDA
EDGEFIELD
AIKEN
LEXINGTON
RICHLAND
KERSHAW
LANCASTER
CHESTER
YORK
UNION
CHEROKEE
SPARTANBURG
GREENVILLE
PICKENS
ANDERSON
OCONEE
FAIRFIELD
CHESTERFIELD
MARLBORO
DARLINGTON
FLORENCE
DILLON
MARION
HORRY
GEORGETOWN
WILLIAMSBURG
LEE
SUMTER
CLARENDON
KERSHAW
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CHESTER
YORK
UNION
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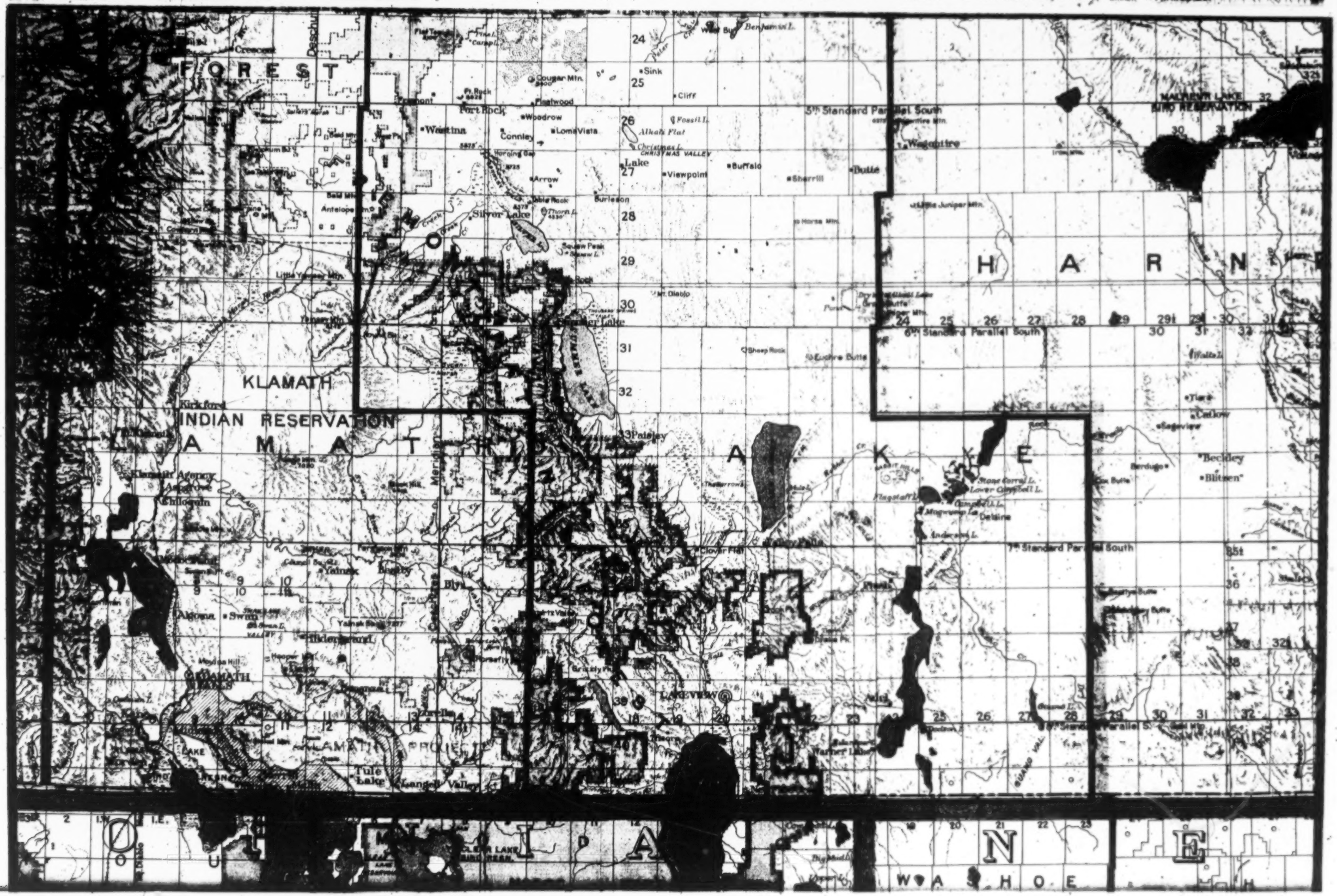
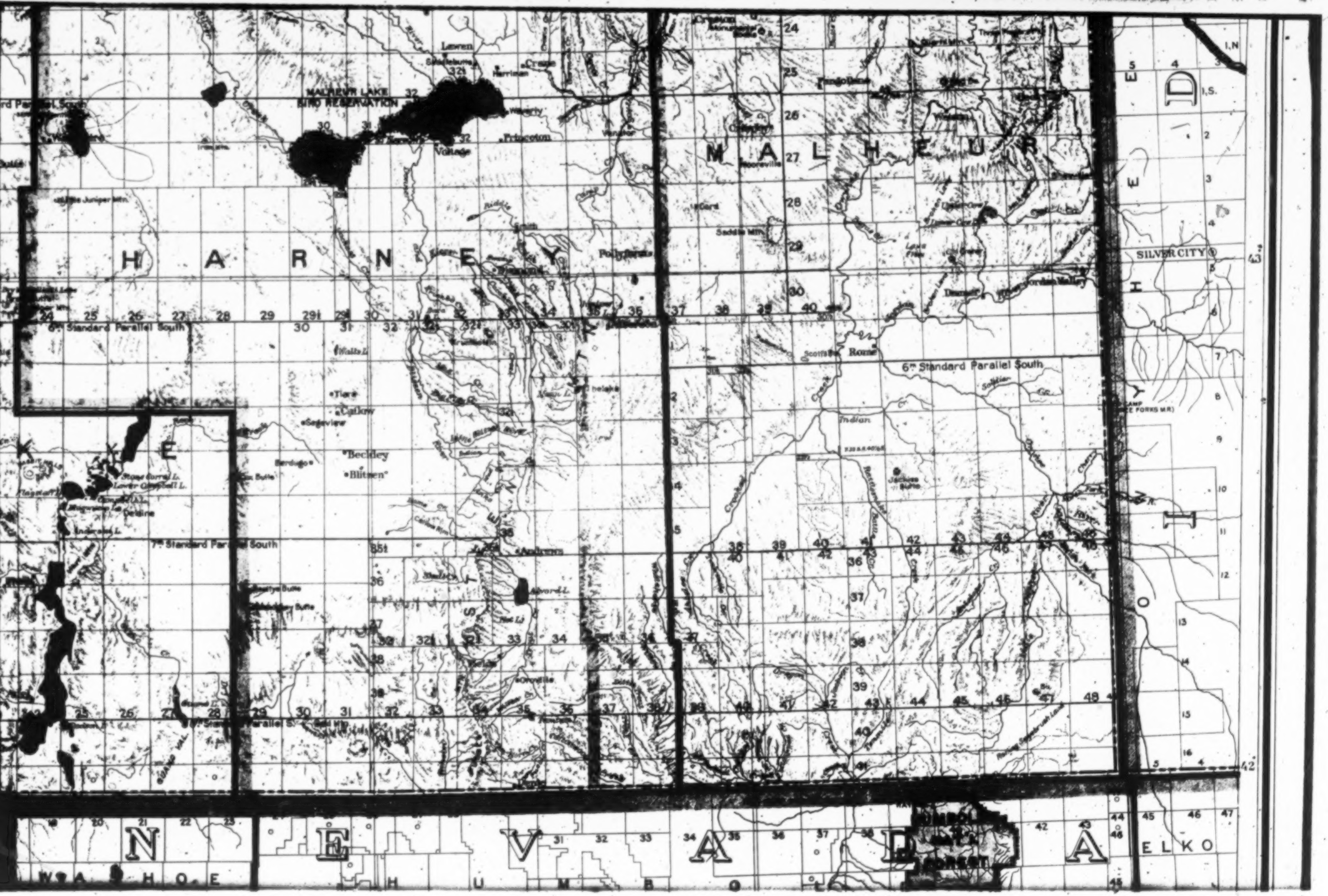
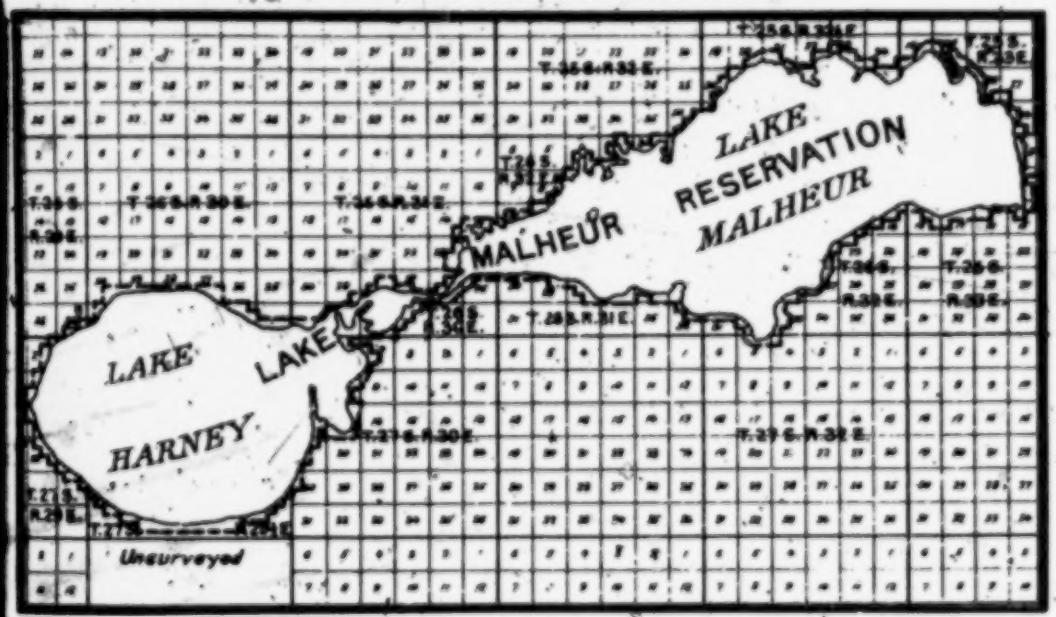

FOREST
KLAMATH
INDIAN RESERVATION
KLAMATH
LAKE
HARNEY
WASHOE
Fort Rock
Silver Lake
Lake
Paisley
Lakeview
Alkali Flat
Christmas Valley
Burleson
Buffalo
Viewpoint
Sherrill
Butte
Wagontire
Sheep Rock
Clover Flat
Bly
Yainax
Chiloquin
Klamath Agency
Tule Lake
Langell Valley
Malheur Lake
Mud Reservation
Beckley
Blitzen
Cliff
Sink
Sagehen
Catlow
Denio
Double O
5th Standard Parallel South
6th Standard Parallel South
7th Standard Parallel South


HARNEY
MALHEUR
LAKE
NEVADA
WASHOE
ELKO
MALHEUR LAKE
BIRD RESERVATION
Lawen
Crane
Harriman
Waverly
Princeton
Voltage
Mooreville
Saddle Mtn.
Rome
6th Standard Parallel South
7th Standard Parallel South
SILVER CITY
Jordan Valley
Indian
"Beckley
"Blitzen"
Sageview
Catlow
Alvord L.
Andrews
Stone Corral L.
Lower Campbell L.
Denio
Crooked
Soldier
Cr.
Jackies Butte
42
43

LAKE MALHEUR RESERVATION

OREGON

Embracing all least subdivisions touching the shore lines of Lakes Malheur and Harney and their connecting waters in Tps. 25 S. Rgs. 32, 32½ and 33, Tps. 26 S. Rgs. 29, 30, 31, 32 and 33, and Tps. 27 S. Rgs. 29, 30 and 32 all east of Willamette Meridian, Oregon, segregated by broken line and designated "Lake Malheur Reservation"



Executive Order.

It is hereby ordered that all smallest legal subdivisions which touch the shore line of Lakes Malheur and Harney and the streams and waters connecting these lakes in township twenty-five south, ranges thirty-two, thirty-two and one-half and thirty-three; township twenty-six south, ranges twenty-nine, thirty, thirty-one, thirty-two and thirty-three; township twenty-seven south, ranges twenty-nine, twenty-nine and one-half, thirty, and thirty-two, all east of the Willamette Meridian, Oregon, together with all islands and unsurveyed lands situated within the meander lines of said lakes and connecting waters, as segregated by the broken line shown upon the diagram hereto attached and made a part of this Order, are hereby reserved, subject to valid existing rights, and set aside for the use of the Department of Agriculture as a preserve and breeding ground for native birds. The taking or destruction of birds' eggs and nests, and the taking or killing of any species of native bird for any purpose whatsoever, except under such rules and regulations as may be prescribed by the Secretary of Agriculture, is prohibited, and warning is expressly given to all persons not to commit within the reserved territory any of the acts hereby enjoined. This reserve to be known as Lake Malheur Reservation.

THEODORE ROOSEVELT

THE WHITE HOUSE,
August 18, 1908.

[No. 929.]